

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

RANDY KENNEDY,

Case No. 1:16-cv-01959-CL
ORDER

Plaintiff,

v.

INTEFOR U.S. INC. d/b/a INTERFOR
PACIFIC INC.,

Defendant.

AIKEN, District Judge:

Magistrate Judge Mark Clarke filed his Findings and Recommendation ("F&R") (doc. 40) recommending that defendant's Motion for Summary Judgment (doc 24.) should be granted. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's F&R, the district court must make a *de novo* determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Plaintiff filed timely objections to the F&R (doc. 42), and defendant filed a timely response those objections (doc. 43). Thus, I review the F&R *de novo*.

Having considered the record and the arguments offered by the parties, I find no error in Magistrate Judge Clarke's well-reasoned analysis. I hold that Judge Clarke correctly applied the standard for granting summary judgment in this case. Further, I agree with Judge Clarke that defendant met its burden to articulate legitimate, nondiscriminatory reasons for discharging plaintiff and that plaintiff failed to show that these reasons were pretext for discrimination. Thus, I adopt the F&R (doc. 40) in its entirety. Defendant's Motion for Summary Judgment is GRANTED. Accordingly, this action is dismissed. The request for oral argument is denied as unnecessary.

IT IS SO ORDERED.

Dated this 21st day of June, 2018.

A handwritten signature in black ink, appearing to read "Ann Aiken", written in a cursive style.

Ann Aiken
United States District Judge